

1 STEPHEN M. RUMMAGE (*pro hac vice application pending*)
2 steverummage@dwt.com
3 DAVIS WRIGHT TREMAINE LLP
4 1201 Third Avenue, Suite 2200
5 Seattle, Washington 98101-3045
6 Telephone: (206) 622-3150
7 Facsimile (206) 757-7700

8 MARTIN L. FINEMAN (California State Bar No. 104413)
9 martinfineman@dwt.com
10 DAVIS WRIGHT TREMAINE LLP
11 505 Montgomery Street, Suite 800
12 San Francisco, California 94111-6533
13 Telephone: (415) 276-6500
14 Facsimile: (415) 276-6599

15 *Attorneys for Defendant*
16 *Washington Mutual, Inc.*

17 DAVIS WRIGHT TREMAINE LLP

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

20 FELTON A. SPEARS, JR. and
21 SIDNEY SCHOLL, on behalf of
22 themselves and all others similarly
23 situated,

24 Plaintiffs,

vs.

25 WASHINGTON MUTUAL, INC., a
26 Washington corporation;
27 FIRST AMERICAN eAPPRAISEIT,
28 a Delaware corporation; and
LENDER'S SERVICE, INC.

Defendants.

29 } Case No. C08 00868 HRL
30 } **STIPULATION AND [PROPOSED]**
31 } **ORDER EXTENDING TIME TO**
32 } **ANSWER OR OTHERWISE**
33 } **RESPOND**

34 } [L.R. 6-1(a)]

35 } Ctrm: 2
36 } Before the Hon. Howard R. Lloyd

37 **STIPULATION**

38 Plaintiffs served defendant Washington Mutual, Inc., on February 28, 2008,
39 and served First American eAppraiseIT and Lender's Service, Inc., on February 20,
40 2009. Accordingly, absent an extension of time, First American eAppraiseIT's and

1 Lender's Service's responses to the Complaint would be due on or before March 11,
2 2008, and Washington Mutual, Inc.'s response to the Complaint would be due on or
3 before March 19, 2008. Plaintiffs have indicated their intention to file an Amended
4 Complaint on or about March 19, 2008.

5 In light of the forthcoming amendment to the Complaint, Defendants' interest
6 in investigating the factual background underlying Plaintiffs' claims and to allow for
7 the preparation of a responsive pleading or motion, and to accommodate personal
8 and professional schedules of counsel, the parties, by and through their undersigned
9 counsel, hereby stipulate and agree that the obligations of Defendants to respond to
10 the Complaint is suspended and their time to answer or otherwise respond to
11 Plaintiffs' forthcoming Amended Complaint shall be extended to and including
12 thirty (30) days following Plaintiffs' service of said Amended Complaint.

13 Dated: March 11, 2008 DAVIS WRIGHT TREMAINE LLP
14

15 By /s/ Martin L. Fineman
16 Stephen M. Rummage, Pro Hac Vice
17 Martin L. Fineman, SBN 104413
18 505 Montgomery Street, Suite 800
19 San Francisco, California 94111
20 Telephone: (415) 276-6500
Facsimile: (415) 276-6599

21 *Attorneys for Defendant*
22 *Washington Mutual, Inc.*

DAVIS WRIGHT TREMAINE LLP

1 Dated: March 11, 2008 MCDONOUGH HOLLAND & ALLEN PC
2

3 By /s/ Michael T. Fogarty
4 Michael T. Fogarty, SBN 65809
5 Laura J. Fowler, SBN 186097
6 555 Capitol Mall, 9th Floor
7 Sacramento, CA 95814
8 Telephone: (916) 444-3900
9 Facsimile: (916) 444-3249

10
11 *Attorneys for Defendant First American*
12 *eAppraiseIT*

13 Dated: March 11, 2008 DEWEY & LEBOEUF LLP
14

15 By /s/ Kris Hue Chau Man
16 Kris Hue Chau Man, SBN 246008
17 One Embarcadero Center, Suite 400
18 San Francisco, CA 94111
19 Telephone: (415) 951-1137
20 Facsimile: (415) 438-1137

21 *Attorneys for Defendant Lender's Services, Inc.*
22 *eAppraiseIT*

23 Dated: March 11, 2008 BRAUN LAW GROUP, P.C.
24

25 By /s/ Michael D. Braun
26 Michael D. Braun, SBN 167416
27 12304 Santa Monica Blvd., Suite 109
28 Los Angeles, CA 90025
Telephone: (310) 442-7755
Facsimile: (310) 442-7756

29 *Attorneys for Plaintiffs*

ORDER

Based on the foregoing Stipulation,

IT IS SO ORDERED. Plaintiffs' amended complaint shall be filed by March 19, 2008.

The initial case management conference remains set for May 17, 2008.

~~DAVID DIXON~~ ~~XXXXXX~~ day of ~~XXXXXXXXXXXXXXXXXXXX~~ 2008

Dated: March 14, 2008

Howard R. Lloyd
United States Magistrate-Judge

DAVIS WRIGHT TREMAINE LLP